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In the Supreme Court of the United States.

OCTOBER TERM, 1904.

FREDERICK A. HYDE, APPELLANT,
v.
JOHN H. SHINE, UNITED STATES MARSHAL for northern district of California. } No. 406.

HENRY P. DIMOND, APPELLANT,
v.
JOHN H. SHINE, UNITED STATES MARSHAL for northern district of California. } No. 410.

MOTION TO ADVANCE.

The appellants, Hyde and Dimond, together with one Benson and one Schneider, were indicted at the January term, 1904, of the Supreme Court of the District of Columbia, under section 5440, Revised Statutes of the United States, for a conspiracy to defraud the United States "out of the possession and use of, and the title to, divers large tracts of the public lands of the said United States." Hyde and Dimond were arrested in the northern district of California upon warrants issued by a United States commissioner, and, after a hearing, were committed, in default of bail, to await the action of the district judge, to whom

application was made for warrants of removal. These warrants issued, and Hyde and Dimond petitioned the Circuit Court for the ninth judicial circuit for writs of habeas corpus, and certiorari ancillary thereto. These petitions were severally denied after hearings duly had, and these appeals taken. The appellants have been admitted to bail pending these appeals.

As it is considered that the proceedings for the writs of habeas corpus and certiorari were instituted and these appeals taken for purposes of delay and to prevent the appellants from being removed to the District of Columbia for trial under the indictment found against them, the Solicitor-General, in order that the appellants may be speedily brought to trial, moves the court to advance the causes on the docket, and set them down for hearing at such time as may be convenient to the court.

Notice of this motion has been duly served on counsel for the appellants, and proof of notice filed with the clerk.

HENRY M. HOYT,
Solicitor-General.

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